

# County of Tuolumne Local Agency Formation Commission

BEV SHANE, AICP  
*Executive Officer*

## AGENDA TUOLUMNE COUNTY LAFCO BOARD OF SUPERVISORS CHAMBERS TUOLUMNE COUNTY ADMINISTRATION CENTER August 10, 2015 4:00 p.m.

A.N. Francisco Building  
48 West Yancey Avenue  
Mailing: 2 S. Green Street  
Sonora, CA 95370  
209 533-5633  
209 533-5616 (fax)  
[www.tuolumnecounty.ca.gov](http://www.tuolumnecounty.ca.gov)

### COMMISSION BUSINESS:

- A. Salute the Flag.
- B. Minutes of the meeting of July 13, 2015.

### REPORTS:

- A. Staff Reports
- B. Commission Reports
- C. Consideration of making an appointment to the Public Alternate portion for a term to expire May 2019.

### PUBLIC COMMENT: 10 Minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission

### PUBLIC HEARING:

- 1. Consideration of adopting Resolution 283 approving the dissolution of the Gold Springs Lighting District, and its Sphere of Influence.

### ADJOURNMENT

Disclosure of Campaign Contributions – Government Code Section 84308 requires that campaign disclosure reports provide the public with the identity of contributors and the amounts they give, and the amount that officeholders, candidates, and committees spend. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within 12 months, the Commissioner has received \$250.00 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application (such as an attorney, engineer, or planning consultant) representing the applicant or interested party. The law also requires any applicant or the participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding. The law also prohibits an applicant from making a contribution of \$250, or more to a LAFCO Commissioner while a proceeding is pending or for 3 months afterward.

Disclosure of Expenses Supporting and Opposing Proposals - If a person or group contributes or expends \$1,000.00 or more in support of, or in opposition to, a proposal before LAFCO, those contributions and expenditures must be disclosed. Pursuant to Section 56100.1 of the Government Code, disclosure shall be made to the Commission's executive officer.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Resources Agency at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28FR35.102-35.104 ADA Title 11).

# TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Application for the Position of Public Member or Public Alternate

If you are interested in serving as the Public Member or the Public Alternate on the Local Agency Formation Commission (LAFCO), please complete the following application and return it to the LAFCO, 48 West Yaney Avenue, Sonora, or mail it to 2 S. Green Street, Sonora, CA, 95370 or submit by email to [bshane@co.tuolumne.ca.us](mailto:bshane@co.tuolumne.ca.us) or facsimile to 209-533-5616.

Applying for (check one): \_\_\_\_\_ Public Member only ☒ Public Alternate only \_\_\_\_\_ Both positions

Name: DELBERT ROTELLI Email: \_\_\_\_\_

Telephone: Residence: 532-5617 Business: \_\_\_\_\_ Mobile: \_\_\_\_\_

Street Address: 188 SUMMIT AVE

Mailing Address: SONORA

Number of years you have lived in the County: 80

### EXPERIENCE:

Please list any Boards, Commissions, or Committees on which you have served:

#### Organization:

#### Term:

<u>SONORA CITY COUNCIL</u>	<u>4 YRS</u>
<u>SONORA PLANNING COM.</u>	<u>18 YRS</u>
<u>TUOLUMNE COUNTY BO. SUPERVISORS</u>	<u>4 YRS</u>
<u>AIRPORT LAND USE COM.</u>	<u>8 YRS</u>
<u>TUOLUMNE UTILITIES DISTRICT</u>	<u>8 YRS</u>

### STATEMENT OF QUALIFICATIONS:

Please provide a brief statement indicating why you are interested in serving on the Local Agency Formation Commission and why you are qualified for the appointment:

I HAVE BEEN A CITIZEN OF TUOLUMNE  
COUNTY FOR 80 YEARS AND I FEEL I KNOW THE  
COUNTY AND WOULD BE AN ASSET TO THIS  
COM.

RECEIVED

JUL 14 2015

### CERTIFICATION:

COUNTY OF TUOLUMNE  
Community Resources Agency

I certify that I am a resident of the County of Tuolumne.

I certify that I am not an officer or employee of the County of Tuolumne, City of Sonora, or any special district in Tuolumne County.

I certify that the above information is true and correct, and I authorize the verification of the information contained herein.

Delbert Rotelli  
Signature

7/15/15  
Date

Thank you for your interest in serving on the Local Agency Formation Commission.

# TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

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Applying for (check one): ☐ Public Member only ☐ Public Alternate only ☒ Both positions

Name: Patricia Icenogle Email: yellowrosepat@att.net

Telephone: Residence: 209 694-8317 Business: Retired Mobile: 209 743-9167

Street Address: 15492 PASO De los Robles

Mailing Address: PO Box 5283

Number of years you have lived in the County: 41

### EXPERIENCE:

Please list any Boards, Commissions, or Committees on which you have served:

#### Organization:

#### Term:

Beta Sigma Phi	Active for 40 years
Friends of Columbia	Docent 20 years
Strawberry Music Festival	volunteer 15 years
Galen House, Sierra R.p.	volunteer 10 years
Red Cross	Catrina, Shelter, logistics, intake 2 years

### STATEMENT OF QUALIFICATIONS:

Please provide a brief statement indicating why you are interested in serving on the Local Agency Formation Commission and why you are qualified for the appointment:

I Am Retired allowing me free time. I have enjoyed the beauty of Tuolumne County for 41 years. I would like to see it remain as unchanged and historic for my grandchildren.

RECEIVED

JUL 10 2015

### CERTIFICATION:

COUNTY OF TUOLUMNE  
Community Resources Agency

I certify that I am a resident of the County of Tuolumne.

I certify that I am not an officer or employee of the County of Tuolumne, City of Sonora, or any special district in Tuolumne County.

I certify that the above information is true and correct, and I authorize the verification of the information contained herein.

Patricia A. Icenogle  
Signature

July 1, 2015  
Date

Thank you for your interest in serving on the Local Agency Formation Commission.

# **EXECUTIVE OFFICER'S REPORT**

## **PROPOSED ACTION**

Consideration of adopting Resolution No. 283 to dissolve the Gold Springs Lighting District and its Sphere of Influence.

## **BACKGROUND INFORMATION**

1. Pursuant to Government Code Section 56375, LAFCO has the authority to initiate the dissolution of Lighting Districts following the completion of a study, such as a Municipal Service Review.
2. On July 13, 2015, the Local Agency Formation Commission (LAFCO) adopted Resolution No. 282 approving the study of the Gold Springs Lighting District and its Sphere of Influence as shown in Exhibit "A" of proposed Resolution 283. Said study recommended that this Lighting District be considered for dissolution because this Lighting District is nonfunctional, has never been funded, and no lights have ever been installed.

## **GOLD SPRINGS LIGHTING DISTRICT**

3. The Gold Springs Lighting District (GSLD) encompasses the Gold Springs Subdivision and was created on April 23, 1973. The area within the GSLD contains a combination of residential and open space land uses. The existing Sphere of Influence boundary matches the existing GSLD boundary. There are 143 parcels in the Gold Springs Lighting District.
4. The area within the GSLD area is zoned RE-1 (Residential Estate, One Acre Minimum), RE-2 (Residential Estate, Two Acre Minimum) and O (Open Space). All the parcels within the GSLD are also zoned :AIR (Airport Combining) zoning district due to their proximity to the Columbia Airport.
5. The area of the GSLD has the Homestead Residential (HR), Low Density Residential (LDR) and Open Space (O) General Plan land use designations based upon the Tuolumne County General Plan. This area also contains the Airport Overlay (-AIR) land use designation. The GSLD contains a combination of residential and open space uses. Future development will be based upon designated land uses and the ability to meet the development requirements of the County of Tuolumne.

## **COUNTY SERVICE AREA COORDINATOR COMMENTS**

6. The Gold Springs Lighting District was created on April 23, 1973, for the Gold Springs Subdivision under the Highway Lighting District Act of 1941. The district was formed to install, maintain and upgrade lighting systems for the interior of the Gold Springs Subdivision. Since the creation of this Lighting District, the district has been completely unfunded and no lights have ever been installed in the district. No account was ever set up to collect funds. There is no budget for the operation of this Lighting District. Since this district is unfunded and has no facilities to maintain, it should be dissolved.

## **DISSOLUTION PROCESS**

7. Section 563759(a)(3) of the Government Code states that a Commission may initiate a proposal, such as the dissolution of a district, only if that change of organization, or reorganization is consistent with a recommendation or conclusion of a study.

8. On December 9, 2013, the Local Agency Formation Commission (LAFCO) adopted Resolution No. 275 approving the Municipal Service Review of nine lighting districts including Columbia, Jamestown, Gold Springs, Groveland, Rolling Hills, South Sonora, Tuolumne, Valle Vista and Volponi Acres Lighting Districts and their updates to their respective Spheres of Influence pursuant to Resolution 276. The Municipal Service Review recommended that the Gold Springs Lighting District be considered for dissolution because it is inactive, has never been funded and does not provide any lighting services. LAFCO approved the study for the MSR on July 13, 2015, pursuant to Resolution 282.
9. The proposed dissolution of the Gold Springs Lighting District would reduce the number of lighting districts in the County to govern, which will result in financial savings for LAFCO, the County Auditor and the Special Districts Administration Division of the Community Resources Agency, because they would no longer be required to study and/or provide information about this non-functioning lighting district.
10. Section 57050 of the Government Code contains provision to conduct a protest hearing for the proposed dissolution of the Gold Springs Lighting District. Section (a) states that the protest hearing on the proposal shall be held by the Commission on the date and at the time specified in the notice given by the LAFCO Executive Officer. Section (b) states at that hearing, the Commission shall hear and receive any oral or written protests, objections, or evidence that is made, presented, or filed. Any person who has filed a written protest may withdraw that protest at any time prior to the conclusion of the hearing.
11. Section 57051 of the Government Code states that at any time prior to the conclusion of the protest hearing, any owner of land or any registered voter within inhabited territory that is the subject of a proposed change of organization or reorganization, or any owner of land within uninhabited territory that is the subject of a proposed change of organization or reorganization, may file a written protest against the change of organization or reorganization. Each written protest shall state whether it is made by a landowner or registered voter and shall include the same information that is required in a petition for a change of organization or reorganization, as specified in Section 56704. Protests may be made on behalf of an owner of land by an agent authorized in writing by the owner to act as agent with respect to that land.
12. Section 57052 of the Government Code states that upon conclusion of the protest hearing, the Commission shall determine the value of written protests filed and not withdrawn. The value of written protests shall be determined in the same manner prescribed in Sections 56704, 56707, 56708, and 56710 of the Government Code for determining the sufficiency of petitions filed with the commission.
13. The property owners and registered voters within the boundaries of the Gold Springs Lighting District were notified of the LAFCO hearing by mail. The notice advised the property owners and registered voters within the Gold Springs Lighting District of their opportunity to submit a written protest regarding dissolution of the Gold Springs Lighting District. Thus far, no written protests have been received.
14. The LAFCO has no discretion regarding the protest findings requiring an election. The decision is based strictly upon the percentage of protests submitted. An election is required if landowners owning 25 percent or more of the assessed value of the land, or 25 percent of the registered voters residing within the Gold Springs Lighting District submit written protests prior to the close of the hearing pursuant to the law.
15. The certification of a valid property owner protest or registered voter protest will be verified first by LAFCO staff by comparing the name of the person who signed the protest to either the property owner mailing list or registered voter list as deemed appropriate. If the protester's name is on the property owner list, LAFCO Staff will research the assessed value of the protesting property owner's land by accessing the Parcel Quest program of the Tuolumne County Assessor's Office. Staff will then determine what percentage of the total assessed value of all the property is in the

Gold Springs Lighting District and compare the assessed value of the property owned by persons who have submitted protests to determine if there are sufficient protests to require an election, or terminate the dissolution proceedings.

16. Written protests submitted by the registered voters residing within the boundaries of the Gold Springs Lighting District will be accepted until the close of the public hearing. If, prior to the close of the hearing, a written protest is submitted by any registered voter, staff will compare the name(s) on the protest to the list of registered voters on file with LAFCO to verify that the voters reside within the Gold Springs Lighting District. The percentage of the eligible votes submitted in protest will be determined by comparing the valid protests to the total number of registered voters within the Gold Springs Lighting District.
17. Under LAFCO law, the dissolution of the Gold Springs Lighting District shall be terminated without an election if landowners owning 50 percent or more of the assessed value of the land, or 50 percent of the registered voters submit written protest prior to the close of the hearing. If such protests are not submitted, the LAFCO may order the dissolution.

### **ENVIRONMENTAL EVALUATION**

The proceeding to dissolve the Gold Springs Lighting District and its associated Sphere of Influence is categorically exempt from environmental review under the State of California Environmental Quality Act (CEQA), pursuant to Section 15320 of the State CEQA Guidelines because this action consists of changes in the organization of a local governmental agency where the changes do not alter the geographical area in which previously existing powers are exercised.

### **RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 283 dissolving the Gold Springs Lighting District and its Sphere of Influence based upon the following findings:

- A. Pursuant to Government Code Section 56375, LAFCO has the authority to dissolve this lighting district because it is non-functioning.
- B. On December 9, 2013, LAFCO approved the Municipal Service Review for the Gold Springs Lighting District pursuant to Resolution 276.
- C. On July 13, 2015, LAFCO adopted Resolution 282 approving the study dated December 9, 2013, for the Gold Springs Lighting District, its Sphere of Influence, and determining that this District should be dissolved.
- D. Prior to the close of the public hearing, an insufficient number of written qualified protests to cause an election or terminate the proceedings were submitted.
- E. The dissolution of the Gold Springs Lighting District and its respective Sphere of Influence is exempt from environmental review pursuant to Section 15320 of the State CEQA Guidelines.

Prepared by: Renee Hendry, Planner II

Date: July 14, 2015

**RESOLUTION NO. 283**  
**OF THE**  
**LOCAL AGENCY FORMATION COMMISSION**  
**OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA**

**TO DISSOLVE**  
**THE GOLD SPRINGS LIGHTING DISTRICT AND ITS SPHERE OF INFLUENCE**

\*\*\*\*\*

WHEREAS, this resolution is for a change of organization pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 of Title 3 of the Government Code of California (commencing with Section 56000); and

WHEREAS, pursuant to Government Code Section 56375, LAFCO has the authority to dissolve this Lighting District, finding that the Gold Springs Lighting District is non-functioning; and

WHEREAS, the purpose of this dissolution is to remove an entity that has not served its function since its formation in 1973; and

WHEREAS, the Sphere of Influence of the Gold Springs Lighting District is the same as the District as shown on the attached "Exhibit A"; and

WHEREAS, on August 10, 2015, LAFCO conducted a public hearing considering this dissolution; and an insufficient number of written protests signed by property owners and registered voters was submitted prior to the closing of the hearing to require an election or to terminate the dissolution process;

AND WHEREAS, dissolving the Gold Springs Lighting District and its Sphere of Influence is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15320 of the State CEQA Guidelines because the proposal consists of changes in the organization of a local governmental agency where the changes do not alter the geographical area in which previously existing powers are exercised.

NOW, THEREFORE, BE IT RESOLVED that the County of Tuolumne Local Agency Formation Commission does hereby resolve, determine and order as follows:

The Gold Springs Lighting District and its Sphere of Influence are hereby dissolved.

\*\*\*\*\*

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission at the County of Tuolumne, State of California, at a regular meeting held on August 10, 2015, by the following vote:

AYES: Commissioners \_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

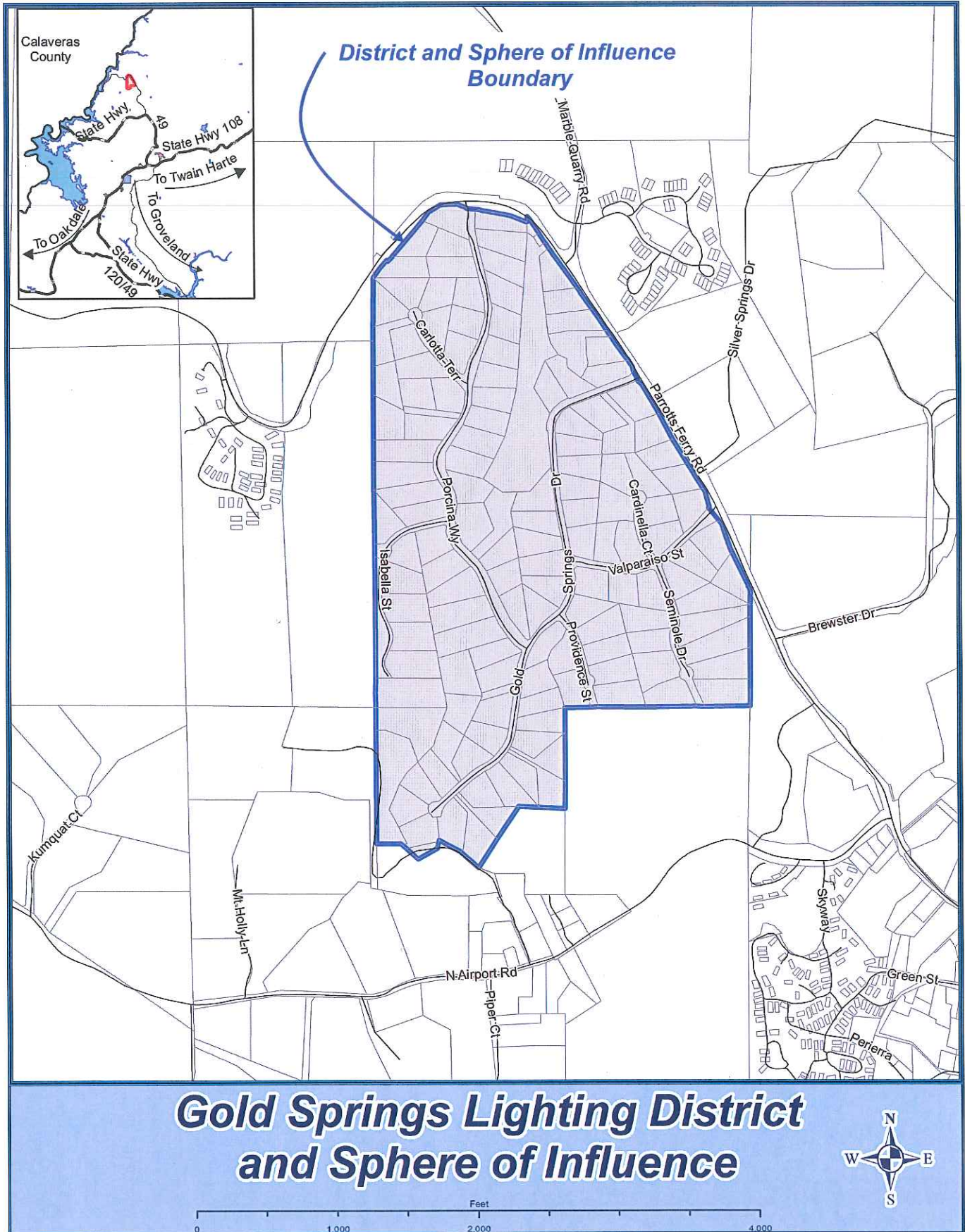
ABSTAIN: Commissioners \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Bev Shane, AICP  
Executive Officer

\_\_\_\_\_  
Jack Sauls,  
Chairman



# EXHIBIT A







# *Unapproved*

## County of Tuolumne Local Agency Formation Commission

BEV SHANE, AICP  
Executive Officer

### TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

#### MINUTES

July 13, 2015

A.N. Francisco Building  
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**PRESENT:** Chair Jack Sauls, Vice-Chair Randy Hanvelt and Commissioner Jim Garaventa

**ABSENT:** Commissioners John Gray and Ron Stearn

**STAFF:** Bev Shane, CRA Director, Mike Laird, Deputy CRA Director, and Karen Willenberg, Assistant to the Department Head

#### CALL TO ORDER:

Chair Sauls called the meeting to order at 4:02 p.m..

#### COMMISSION BUSINESS:

A. Chair Sauls led the Commission and audience in the Pledge of Allegiance.

B. Minutes of June 8, 2015

Chair Sauls asked if there were any additions or corrections to the Minutes of the meeting of June 8, 2015.

It was moved by Vice-Chair Hanvelt and seconded by Commissioner Garaventa to approve the Minutes of June 8, 2015, as presented.

Chair Sauls called for the vote: Ayes, 3; Noes, 0; Abstain, 0.

Motion carried 3 – 0 – 0, with Commissioner Gray and Stearn being absent.

#### REPORTS:

A. Staff Reports

Ms. Shane said that at a recent meeting the Commission accepted the resignation of Louise Giersch, the Alternate Public Member. She said that there was an advertisement placed in the local newspaper, and we have received one application. She said that an appointment will be scheduled for the next meeting.

She also reminded the Commissioners that the 2015 CALAFCO Annual Conference is scheduled from September 2-4 in Sacramento. She said that those that wish to attend should let Karen know this week. She said that LAFCO will pay for the public members to attend and those Commissioners that are representing the City or County that wish to attend, should ask their City or County to pay the cost.

She said that John Feriani, a member of the board for the Tuolumne Sanitary District, is working with the community to propose dissolving the various service districts in Tuolumne and create a Community Service District. She said that he is working on the details and would submit an application in the near future.

Vice-Chair Hanvelt and Commissioner Garaventa inquired about the qualifications for the Public Member position.

Ms. Shane said that the only qualification is you must be a resident of Tuolumne County.

#### B. Commission Reports

Chair Sauls said that he would be attending the 2015 LAFCO Annual Conference.

#### **PUBLIC COMMENT: 10 Minutes**

Chair Sauls opened the public comment period and asked for those who would like to address the Commission on any item that was not on the agenda. Seeing no one, he closed the public comment period.

#### **PUBLIC HEARING:**

1. Consideration of adopting Resolution 282 approving the study dated December 9, 2013, for the Gold Springs Lighting District and its Sphere of Influence and determining they should be dissolved.

Mr. Laird described the project and said that the Gold Springs Lighting District had never been funded, was inactive, and no lights had been installed. He said that according to the dissolution process, all property owners and registered owners were notified of this meeting. He said that there have been no responses received. He said that if the Commission adopts Resolution 282, the public hearing will be scheduled and all property owners and registered voters will again be notified that they could file a protest. He said that because no other agency provides lighting to the area, and there are no lights to maintain, the Executive Officer recommends adoption of Resolution 282.

Vice-Chair Hanvelt said that he was in favor of dissolving the lighting district because nothing had happened in 42 plus years.

Chair Sauls opened the public hearing and asked if there was anyone in the audience who wished to speak in favor of the proposed budget. Seeing none, he asked if there was anyone wishing to speak in opposition. Seeing none, he closed the public hearing and brought the matter back to the Commission for deliberation.

It was moved by Vice-Chair Hanvelt and seconded by Commissioner Garaventa to adopt Resolution 282 approving the study dated December 9, 2013, for the Gold Springs Lighting District and its Sphere of Influence and determining they should be dissolved.

Chair Sauls called for the vote: Ayes, 3; Noes, 0; Abstain, 0.

Motion carried 3 – 0 – 0, with Commissioners Gray and Stearn being absent.

#### **ADJOURNMENT**

Chair Sauls adjourned the meeting at 4:12 p.m..

Respectfully submitted,

Bev Shane,  
Executive Officer

BJS:ML:kw